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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,180	02/13/2004	Friedrich Muller	P7379.0US	2179
30008	7590	06/02/2006	EXAMINER	
GUDRUN E. HUCKETT DRAUDT			JOHNSON, VICKY A	
LONSSTR. 53				
WUPPERTAL, 42289			ART UNIT	PAPER NUMBER
GERMANY			3682	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/708,180	MULLER, FRIEDRICH
	Examiner Vicky A. Johnson	Art Unit 3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-11,14,15 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-11,14,15 and 21-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 March 2006 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1, 3-18, and 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 it is unclear how to interpret the limitation that the casing has a continuous contour having no projections, recess, or steps, when the applicant's invention includes a projection or step, and a recess. The parts 3 and 4 of the applicant's invention could be considered a recess and parts 4, 16, and 17 could be considered as projections. Applicant's invention is not a straight cylindrical surface, and therefore the limitation is inaccurate. With regard to the surface where the adjoining pieces meet, between two contacting surface there is always a gap or step of some size, no matter how small, and the applicant has not disclosed any structure that would eliminate this gap or step.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-11, 14, 15, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Malley (US 2,955,487), as best understood.

Malley discloses a casing comprising: casing parts having a continuous contour (7,8,10,13) connected by fastening elements (14,11) located inside the casing.

Re claims 3 and 4, through threaded openings (12).

Re claim 5, the threaded bores are in an end face of the second casing (see Fig 1).

Re claim 6, the first casing has an end face with recesses (see Fig 1).

Re claim 7, the through openings are recessed relative to the end face (see Fig 1).

Re claim 8, first casing has an inner wall and an annular surface in a radial plane adjoining the inner wall (see Fig 8).

Re claim 9, the first casing has an inner side thicker near the through openings than adjoining areas (see Fig 1).

Re claim 10, the casing parts have end faces that rest against each other (see Fig 1).

Re claim 11, the casing parts have identical contours with no step (see Fig 1, right side).

Re claims 14 and 15, the first casing part has a casing member (16) formed as a monolithic part projecting laterally (see Fig 1).

Re claim 21, the fastening elements are screws (see Fig 1).

Re claim 22, the casing is a transmission casing (see Fig 1).

Re claim 23, first and second fastening elements (see Fig 1).

2. Claims 1, 3-10, 14-17, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmitter (US 2,869,384), as best understood.

Schmitter discloses a casing comprising: casing parts (21, 19) having a continuous contour (see Fig 1), and through openings and threaded bores (see Fig 1), on an end face (see Fig 1) connected by fastening elements (unnumbered, see Fig 1) located inside the casing.

Re claims 14-17, the first casing part has a casing member formed as a monolithic part projecting laterally (12) closed by a lid (41) having a shoulder (44) resting on an end face of the casing member (see Fig 1).

Re claims 21-23, the first and second fastening elements are screws (see Fig 1) in a transmission casing (see Fig 1).

3. Claims 1, 3-5 and 8-13 rejected under 35 U.S.C. 102(b) as being anticipated by Kitahata et al (US 6,209,409), as best understood.

Kitahata et al disclose a casing comprising: casing parts (6,11) having a continuous contour (see Fig 1), and through openings and threaded bores (see Fig 1), on an end face (see Fig 1) connected by fastening elements (unnumbered, see Fig 1) located inside the casing.

Re claims 12 and 13, a protective layer (54) covering a parting line between the casing parts that adjoin each other, which is paint (col. 4 lines 21-57).

4. Claims 1, 14, 16, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Wetzel (US 5,620,311), as best understood.

Wetzel discloses a casing comprising: casing parts (16,14) having a continuous contour (see Fig 1), connected by fastening elements (unnumbered, see Fig 1) located inside the casing.

Re claims 14-18, the first casing part (16) has a casing member (40) projecting laterally (see Fig 1) closed by a lid (84) having a shoulder (unnumbered see Fig 3) resting on an end face of the casing member (see Fig 3) and screwed into the casing member (col. 3 line 66 – col. 4 line 5).

### ***Response to Arguments***

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the above-applied references fail to meet the limitations of the claims because they fail to disclose casing parts having a continuous contour that is free of projections, recesses, and steps. The applicant's invention is also made up of parts and although the seam or recess is not shown in the drawings, some gap between the two surfaces exist. The Malley reference has screws that do not project to the exterior.

The applicant's remarks have been accorded due consideration, however they are not deemed fully persuasive.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Vicky A. Johnson  
Primary Examiner  
Art Unit 3682  
5/30/84

REPLACEMENT SHEET  
10/708,180  
Inventor: Friedrich Müller  
Filing Date: 2/13/2004

May enter  
M 5/30/04

Fig.1

